

ORDINANCE 238

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA QUINTA, CALIFORNIA, AMENDING TITLE 7 HISTORICAL PRESERVATION OF THE LA QUINTA MUNICIPAL CODE.

The City Council of the City of La Quinta does ordain as follows:

SECTION 1. Title 7 of the La Quinta Municipal Code is hereby amended.

SECTION 2. There is hereby added to the La Quinta Municipal Code Title 7 which is to read as contained in Exhibit "A" hereby attached.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 4. POSTING. The City Clerk shall, within 15 days after passage of this Ordinance, cause it to be posted in at least three public places designated by resolution of the City Council; shall certify to the adoption and posting of this Ordinance; and shall cause this Ordinance and its certification, together with proof of posting to be entered into the Book of Ordinances of the City of La Quinta.

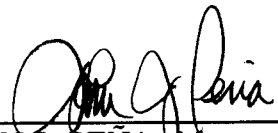
The foregoing Ordinance was approved and adopted at a meeting of the City Council of the City of La Quinta held on this 7th day of December, 1993, by the following vote:

AYES: Council Members Bangerter, McCartney, Perkins, Sniff,
Mayor Pena

NOES: None

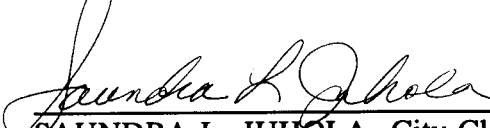
ABSENT: None

ABSTAIN: None

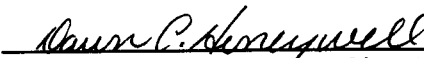


JOHN J. PEÑA, Mayor
City of La Quinta, California

ATTEST:



SAUNDRA L. JUHOLA, City Clerk
City of La Quinta, California



DAWN HONEYWELL, City Attorney
City of La Quinta, California

TITLE 7
HISTORIC PRESERVATION

Chapters:

- 7.02 General Regulation and Administration
- 7.04 Historic Preservation Commission
- 7.06 Historic Resources, Historic Landmarks and Historic Districts
- 7.08 Permits and Permit Procedure
- 7.10 Enforcement, Penalties, and Severability

Chapter 7.01

GENERAL REGULATIONS AND ADMINISTRATION

Sections:

- 7.02.010 Short Title.
- 7.02.020 Purpose and Intent.
- 7.02.030 Boundaries and Areas of Application.
- 7.02.040 Definitions.
- 7.02.050 Review of Development Plan.

7.02.010 Short Title. This title shall be known as the "Historic Preservation Ordinance".

7.02.020 Purpose and Intent. It is the intent and purpose of this title to:

(A) Effect the protection, enhancement, and perpetuation of historic resources, landmarks, and districts that represent or reflect elements of the City's diverse cultural, social, economic, political, and architectural history;

(B) Safeguard the City's historic heritage, as represented by its historic resources, landmarks, and historic districts;

(C) Stabilize and improve property values;

(D) Foster civic pride in the character and accomplishments of the past;

(E) Protect and enhance the City's attraction to residents, tourists, and visitors and serve to support and stimulate business and industry;

(F) Strengthen the economy of the City;

(G) Promote the use of historic districts and landmarks for the education, enjoyment and welfare of the people of the City.

7.020.030 Boundaries and Areas of Application. This Title shall apply to all historic resources, publicly and privately owned, within the corporate limits of the City.

7.020.040 Definitions. Whenever the following words or terms are used in this Title they shall have the meaning established by this Section.

(A) "Alteration" means any change or modification, through public or private action, of any historic resource or of any property located within a historic district, including, but not limited to, exterior changes to or modifications of a structure or any of its architectural details or visual characteristics, including paint color and surface texture, grading, surface paving, new structures, cutting or removal of trees and other natural features, disturbances of archaeological sites or areas, and the placement or removal of any objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories affecting the historic qualities of the property.

(B) "Archaeological site" means an area where remains of man or his activities prior to keeping of history are still evident.

(C) "Certificate of Appropriateness" means a certificate issued by the City Council approving such plans, specifications, design or statements of work for any proposed alteration, restoration, construction, removal, relocation or demolition, in whole or in part, of or to any historic resource or to any improvement within a historic district.

(D) "Commission" means the Historic Preservation Commission established by this Title.

(E) "Contributing structure" means a structure within a designated historic district which has a special character, special historic or aesthetic interest or value, and is incorporated into the district for that reason.

(F) "Exterior architectural feature" means the architectural style, design, general arrangement, components and natural features and all the outer surfaces of the improvement, including, but not limited to, the kind and texture of the building material, the type and style of all windows, doors, lights, signs, walls, fences, and other fixtures appurtenant to such improvement, and the natural form and appearance of any grade, rock, body of water, stream, tree, plant, shrub, road, path, walkway, plaza, fountain, sculpture, or other form of natural or artificial landscaping.

(G) "Historic District" means any area which contains one or more historic resources or landmarks which has a special character or special historical value, along with other structural, cultural, architectural, archaeological, agricultural, community or aesthetic value, or which represent one or more

architectural periods or styles typical to the history of the City, that has been designated a historic district pursuant to this Title.

(H) "Historic resource" means improvements including, but not necessarily limited to, buildings, landscape, structures, signs, features, sites, places, areas, or other objects of scientific, aesthetic, educational, cultural, architectural, agricultural, or historic significance to the citizens of the City.

(I) "Historic resources inventory" means the historic resources inventory adopted and maintained by Council pursuant to Chapter 7.06 of this title.

(J) "Improvement" means any building, structure, place, site, structural work of art, landscape feature, plant life, life-form, scenic condition, parking facility, fence, gate, wall or other object constituting a physical betterment of real property, or any part of such betterment.

(K) "Landmark" means any property or improvement, manmade or natural, which has special historic, cultural, architectural, archaeological, community interest or value as part of the development, heritage or history of the City, the State of California, or the nation, and that has been designated as a landmark pursuant to this title.

(L) "Ordinary maintenance" means any cleaning, painting, and/or other restoration which does not result in the alteration of an improvement or landmark.

(M) "Paleontological site" means an area where fossilized or otherwise preserved remains of plants or animals which generally predate man's emergence on the earth are still evident.

(N) "Person" means any individual, association, partnership, firm, corporation, public agency, or political subdivision.

(O) "Secretary of the Interior's Standards for Rehabilitation" means the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings by the U. S. Department of Interior or the National Park Service.

(P) "Site means any parcel or portion of real property which has special character or special historic cultural, archaeological, architectural, community, or aesthetic value.

7.020.050 Review of Development Plan. As part of the environmental review of development projects affecting historic resources, the plan and application shall be referred to the Historic Preservation Commission for review if a potential impact has been identified. The Commission may recommend that specific environmental studies be done as part of the environmental review for the project. The Commission shall receive notice of all environmental review decisions on a project potentially affecting any historical resource and may submit written comments to the land use Planning Director.

Chapter 7.04HISTORIC PRESERVATION COMMISSION

Sections:

- 7.04.010 Creation
- 7.04.020 Appointment
- 7.04.030 Duties
- 7.04.040 Organization, Rules, and Procedures

7.04.010 Creation. There is hereby established in the City a Historic Preservation Commission, hereinafter referred to as the "Commission", consisting of five members appointed by the City Council. All members of the Commission shall have a demonstrated interest in and knowledge of historic preservation and the cultural resources of the City.

7.04.020 Appointment.

(A) Three commissioners shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, or other historic preservation-related disciplines, such as urban planning, American studies, American civilization, cultural geography, or cultural anthropology, to the extent that such professionals are available in the City. Two commissioners shall be lay members who have demonstrated special interest, competence, experience, or knowledge in historic preservation, American studies, cultural anthropology, cultural geography, or other historic preservation-related disciplines.

(B) The initial appointment of the members of the Commission shall be as follows: two members for three years and three members for two years. Thereafter, appointments shall be made for a three year term.

(C) A member of the Commission may be removed from his or her position by a majority vote of the City Council. A vacancy is filled in the same manner as the original appointment. A person appointed to fill a vacancy serves for the remainder of the unexpired term.

(D) The Commission shall fix the time and place of its regular meetings in accordance with State Open Meeting Law. The Commission shall not meet less than once in each three month period.

(E) The Commission shall elect a chair and vice chair from among its members. The chair and vice chair serve for a term of one year and until the successor of each is elected and takes office. The secretary shall be the Planning and Development Director or his/her designee.

(F) (1) Chair. The chair shall preside at all meetings of the Commission. He/she shall appoint each committee and shall perform the duties necessary or incidental to his/her office.

(2) Vice chair. The vice chair is chair in the absence of the chair or the inability of the chairperson to act.

(3) Secretary. The secretary shall keep minutes of each meeting and shall record the official actions taken. On all official actions on which a vote is taken, the secretary shall record the vote by roll call, with the chairperson voting last. The secretary shall certify each official act and/or resolution of the Commission. The secretary shall maintain records of operations and shall perform such other duties as the Commission assigns.

7.04.030 Duties.

(A) The Commission shall act in an advisory capacity to the City Council, Planning Commission, and Design Review Board, in all matters relating to the identification, protection, retention, and preservation of historic areas and sites within the City.

(B) It shall be the responsibility of the Commission to provide advice to the City Council on the following matters:

(1) Criteria for guidelines to be used in a comprehensive historic survey of properties within the City;

(2) The designation of historic landmarks or historic districts;

(3) Historic sites and areas to be considered for listing on La Quinta's historic resources inventory;

(4) The adoption of standards to be used by the Commission in reviewing applications for permits to construct, change, alter, modify, remodel, remove or significantly affect any historic resource;

(5) The purchase of interests in property for purposes of historic preservation;

(6) Any other matter which the City Council deems necessary to protect historic resources.

(C) The Commission shall be responsible for:

(1) Reviewing the conduct of land use, housing and redevelopment, municipal improvement and other types of planning and programs undertaken by any agency of the City, the County, or State, as they relate to the historic preservation of the community;

- (2) Publicizing and periodically updating survey results;
- (3) Maintaining La Quinta's historic resources inventory;
- (4) Maintaining a local register of historical areas and sites within the City;
- (5) Performing any other functions that may be designated by the City Council;
- (6) Investigating and making recommendations to the City Council on the use of various Federal, State, local, or private funding sources and mechanisms available to promote historic resource preservation in the City.
- (7) Approval or disapproval, in whole or in part, or approval with conditions of applications for permits pursuant to Chapter 7.08 of this Title.
- (8) Reviewing all applications for permits and environmental documents, pertaining to local, State, or Federal designated or potentially designated historic resources. The Planning and Development Department shall forward all such documents to the Commission for review and comment, prior to review and approval by the Planning Commission as appropriate.
- (9) Reviewing the actions and proposed actions and advising on environmental review processes of all City Departments and public agencies concerning the effects of their actions, programs, capital improvements, or activities on designated and potential historic resources within the City.
- (10) Considering whether denial of Certificates of Appropriateness (permits) affecting cultural resources results in economic hardship to the property owner according to the procedures outlined in Chapter 7.08.
- (11) Cooperating with local, County, State, and Federal governments in the pursuit of the objectives of historic resource preservation.
- (12) Assuming whatever responsibilities and duties may be assigned to it by the State under the Certified Local Government Provisions of the National Historic Preservation Act of 1966 as amended.
- (13) Providing opportunities for direct public participation in all responsibilities delegated to the Certified Local Government including the survey and National Register nomination process. Commission meetings shall be open to the public with published agendas and minutes in accordance with the California Open Meeting Act. The published agenda shall be mailed in advance of meetings to individuals and citizen organizations interested in the Commission's activities.
- (14) Rendering advice and guidance, upon the request of the property owner or occupant, on the restoration, alteration, decoration, landscaping, or maintenance of any historic resource including landmarks, landmark sites, historic districts, or neighboring properties within public view.

(15) Rendering advice and guidance to property owners or occupants on procedures for inclusion of a historic resource on the National Register of Historic Places, and encouraging such inclusions.

(16) Participate in, promote, and conduct public information, educational, and interpretive programs pertaining to historic resource preservation.

(17) Undertaking any other action or activity necessary or appropriate to the implementation of its power or duties to fulfill the objectives of historic resource preservation.

7.04.040 Organization, Rules, and Procedures. The Historic Preservation Commission shall establish such rules, regulations, and procedures as are consistent with this Chapter for the transaction of business, and shall keep a public record of its resolutions, transactions, findings and determinations.

(A) A quorum of the Commission shall be defined as three voting members.

(B) The Commission shall develop and adopt its own operating rules and bylaws, thereafter having the power and authority to perform all of the duties hereinafter enumerated and provided. The operating rules and bylaws are to be approved by the City Council.

(C) Keep minutes and records of all meetings and proceedings including voting records, attendance, resolutions, findings, determinations, and decisions. All such material shall be matters of public record.

Chapter 7.06

HISTORIC RESOURCES, HISTORIC LANDMARKS AND
HISTORIC DISTRICTS

Sections:

- 7.06.010 Establishment of Historic Resources Inventory
- 7.06.020 Criteria for Historic Resources Inventory
- 7.06.030 Historic Landmark Designation Procedures
- 7.06.040 Historic District Designation Procedures

7.06.010 Establishment of Historic Resources Inventory. The City Council shall establish and maintain a historic resources inventory according to the requirements of the State Historic Preservation Office.

7.06.020 Criteria for Historic Resources Inventory. A historic resource may be considered for inclusion in the historic resource inventory based on one or more of the following:

- (A) It exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering or architectural history; or,
- (B) It is identified with persons or events significant in local, State, or national history; or,
- (C) It embodies distinctive characteristics of a style, type, period or method of construction, is a valuable example of the use of indigenous materials or craftsmanship or is representative of a notable work of an acclaimed builder, designer, or architect; or,
- (D) It is an archaeological, paleontological, botanical, geological, topographical, ecological or geographical site which has the potential of yielding information of scientific value; or,
- (E) It is a geographically definable area possessing concentration of site, buildings, structures, improvements or objects linked historically through location, design, setting, materials, workmanship, feeling and/or association, in which the collective value of the improvements may be greater than the value of each individual improvement.

7.06.030 Landmark Designation Procedures. Landmarks shall be established by the City Council in the following manner:

(A) Any person may request the designation of an improvement as a landmark by submitting a written request for such designation to the Historical Preservation Commission. The Historical Preservation Commission, Planning Commission, Design Review Board or City Council may also initiate such proceedings by motion.

(B) Any such request shall be filed with the Planning and Development Department upon prescribed forms and shall include the following data:

(1) Name and address of property owner and assessor's parcel number and address of site:

(2) Description of the proposed landmark, including special aesthetic, cultural, architectural or engineering interest or value of a historic nature, including information about the architecture, notable features, construction and other information indicating the historical significance of the site;

(3) Sketches, photograph, or drawings;

(4) Statement of condition of the improvement;

(5) Explanation of any known threats to the improvement of the site;

(6) Additional information:

- (a) Site plan in appropriate scale;
- (b) Legal description of the property;
- (c) Photographs, old and recent;
- (d) Proposed use;
- (e) Existing zoning;
- (f) Bibliography and references;
- (g) Chain of title, if available.

(C) Within forty-five (45) days of the date of the request, the Commission shall hold a public hearing to review the landmark application according to the criteria of Section 7.06.020.

(D) Notice of the public hearing shall be published in a paper of local circulation at least ten (10) days prior to the hearing date. In addition, notice of the date, place, time, and purpose of the hearing shall be mailed, return receipt requested, to the owner of the proposed landmark property as shown on the last equalized assessment role at least fourteen days prior to the date of the public hearing. Failure to send notice by mail to any property owner when the address of such owner is not on the latest equalized assessment role shall not invalidate any proceedings in connection with the proposed designation.

(E) A notice of the request for designation as a landmark shall be forwarded to the Building and Safety Department and no building or demolition permits for any alteration to any exterior architectural features of the proposed landmark shall be issued while the matter is pending final decision.

(F) After the public hearing the Commission shall by resolution, make a report and recommendation to the City Council. If the Commission determines that the improvement does not meet landmark criteria, the process shall terminate and the Commission shall notify the property owner and applicant of such termination in writing within ten days of the Commission's determination. If the

Commission determines that the historical resource warrants landmark designation and the property owner has consented to same in writing, then the Commission shall submit a written recommendation to the City Council incorporating its reasons in support of the proposed landmark designation. Without the property owner's consent to the proposed designation, the proposal shall terminate.

(G) The City Council shall hold a public hearing on the proposed historic landmark designation within thirty (30) days of the receipt of the recommendation from the Commission.

(H) At the conclusion of the public hearing on the proposed designation, the City Council shall, by resolution, designate, conditionally designate, or disapprove the designation of the landmark. Written notice of the City Council action shall be mailed to the property owner.

7.06.050 Historic District Designation Procedures. Historic districts shall be established by the City Council in the following manner:

(A) The procedures for designating a historic district shall be the same as for designating a landmark, except as otherwise provided in this Section.

(B) Any application for designation of a historic district shall be filed with the Planning and Development Department upon the prescribed form and shall include the following data:

(1) Boundaries of the proposed district and a list of names and addresses of property owners, assessor's parcel numbers and addresses of properties within the boundaries;

(2) Description of the proposed historic district, including special aesthetic, cultural, architectural or engineering interest or value of a historical nature;

(3) Sketches, photographs, or drawings;

(4) Statement of condition of structures and improvements within the district;

(5) Explanation of any known threats to any historic resource within the district;

(6) Other information requested by the Planning and Development Department.

(C) If written consent of two-thirds of the owners of property within the proposed district to the proposed designation is not obtained at the time of the Historic Preservation Commission hearing, the process shall terminate and the Commission shall notify the property owners and applicant of said termination within fourteen (14) days of the Commission's determination.

(D) If the Commission determines that the area warrants historic district designation, it shall submit a written recommendation to the City Council incorporating its reasons in support of the proposed district designation, within thirty (30) days of its decision. Such recommendation shall include a report containing the following information:

- (1) A map showing the proposed boundaries of the historic district and identifying all structures within the boundaries, contributing or noncontributing;
- (2) An explanation of the significance of the proposed district and description of the cultural resources within the proposed boundaries;
- (3) Recommendations as to appropriate permitted uses, special uses, height and area regulations, minimum dwelling size, floor area, sign regulations, parking regulations and any other modification to existing development standards necessary or appropriate to the preservation of the proposed historic district;
- (4) Proposed design guidelines for applying the criteria for review of Certificates of Appropriateness to the nominated historic district.

Chapter 7.08

PERMITS AND PERMIT PROCEDURES

Sections:

- 7.08.010 Permits to Work on Historic Resources, Landmarks or Historic Districts
- 7.08.020 Permit Procedure
- 7.08.030 Permit Criteria
- 7.08.040 Duty to Keep in Good Repair
- 7.08.050 Existing Improvements

7.08.010 Permits to Work on Historic Resources, Landmark or Historic District.

(A) It is unlawful for any person to tear down, demolish, construct, alter, remove or relocate any improvement or any portion thereof which has been designated a historic landmark pursuant to the provisions of this Chapter, or which lies within an historic district, or to alter in any manner any feature of such a designated landmark, landmark site or improvement within a historic district without first obtaining a permit in the manner provided in this Chapter.

(B) No Board, Department, or Commission shall grant any permit to carry out such work on a designated landmark, landmark site or within a historic district, unless a permit has previously been issued by the City Council as provided in this Chapter. No application for a building permit, demolition permit, grading permit, redevelopment permit, conditional use permit, variance, development plan, zone change, tentative parcel or subdivision maps or any other permit which would allow the addition of a designated landmark, landmark site or any improvement in a historical district shall be deemed complete unless a permit has previously been issued pursuant to this Chapter.

(C) No permit shall be necessary for ordinary maintenance and repair if the proposed work will not alter or change the style, color, design, features, or character of the landmark site or improvement and a permit is not required under §301(b) of the Uniform Building Code, nor does this Chapter prevent the construction, reconstruction, alteration, restoration, demolition or removal of any such improvement when the Building and Safety Department certifies to the Council that such action is required for the public safety due to an unsafe or dangerous condition which cannot be rectified through the use of the *State* Historical Building Code.

7.08.020 Permit Procedure.

(A) An application for a permit to do work in a Historic District or on a designated landmark shall be submitted to the Planning and Development Department on forms provided by the Planning and Development Director. This application must include the plans and specifications for the proposed work. Within thirty (30) days of the receipt of said complete application the Commission shall review

the application and shall make a written report to the City Council. The City Council shall hold a public hearing on the application within thirty (30) days of receipt of the Commission's report. Notice of the public hearing shall be given as provided in Chapter 9.164.040 of this Code.

(B) At the conclusion of the public hearing on the permit application, the City Council shall, by resolution, issue or deny, in whole or in part, any permit application.

7.08.030 Permit Criteria. The City Council shall issue a permit for the proposed work if, and only if, it determines:

(A) In the case of a designated historical site, that the proposed work would not detrimentally alter, destroy, or adversely affect any architectural or landscape improvement;

(B) If the owner of a designated historical site or landmark demonstrates to the City Council that such property cannot be economically used and denial of a permit would deprive the owner of all or most of his or her economic interest in the property, the Council may issue the permit with an effective date one hundred eighty (180) days from the date of issuance of the permit to allow time for the investigation of alternatives to the work proposed in the permit application, such as acquisition of the site or improvement by the City or a public interest group;

(C) In the case of construction of a new improvement, upon a historic site, that the exterior of such improvement will not adversely affect and will be compatible with the external appearance of existing historically designated improvements in said site;

(D) That the applicant has presented clear and convincing evidence of facts demonstrating to the satisfaction of the City Council that such disapproval will impose immediate and substantial hardship on the applicant because of conditions peculiar to the person seeking to carry out the proposed work, whether this be property owner, tenant or resident, or because of conditions peculiar to the particular improvement, or other feature involved, and that approval of the application will be consistent with the purposes of this Chapter.

7.08.040 Duty to Keep in Good Repair. The owner, occupant or other person legally responsible for a landmark or historic district shall keep in good repair all portions of such landmark, district or historic site when subject to control as specified in the designating ordinance or permit and all interior portions and appurtenances thereof whose maintenance is necessary to prevent deterioration and decay of the historic resource. It shall be the duty of the Building and Safety Director or designee to enforce this section.

7.08.050 Existing Improvements. All repairs, alterations, reconstructions, restorations or changes in use of existing improvements shall conform to the requirements of the *State* Historical Building Code.

Chapter 7.10

ENFORCEMENT, PENALTIES, AND SEVERABILITY

Sections:

7.10.010 Enforcement
7.10.020 Restitution

7.10.010 Enforcement

(A) Whenever any alteration, demolition, relocation, construction, or grading of any site is being done contrary to the provisions of this Title, the Building and Safety Director or designee may order the action stopped by notice in writing served on any person or persons engaged in the doing or causing such action, and any such person or persons shall forthwith stop such activity until authorized by the Building and Safety Director or designee to proceed.

(B) It shall be unlawful for any person to carry out any work on any improvement or site in violation of a notice stopping such work.

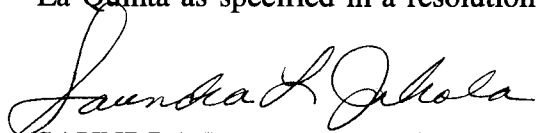
(C) Any violation of the provisions of this Title shall constitute a public nuisance.

7.10.020 Restitution. Upon damage, destruction or removal of a historic resource, designated landmark or historic district without permit, the Preservation Commission shall review the action and make recommendation for restitution commensurate with damage inflicted, specifically assessing the historic, as well as economic, value of the resource destroyed.

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF LA QUINTA)


I, SAUNDRA L. JUHOLA, City Clerk of the City of La Quinta, California, do hereby certify the foregoing to be a full, true and correct copy of Ordinance No. 238 which was introduced on the 16th day of November, 1993 and was adopted at a regular meeting held on the 7th day of December, 1993 not being less than 5 days after date of introduction thereof.

I further certify that the foregoing ordinance was posted in three (3) places within the City of La Quinta as specified in a resolution of the City Council.


SAUNDRA L. JUHOLA, City Clerk
City of La Quinta, California

DECLARATION OF POSTING

I, SAUNDRA L. JUHOLA, City Clerk of the City of La Quinta, California, do hereby certify that the foregoing ordinance was posted on December 22, 1993 pursuant to City Council Resolution.


SAUNDRA L. JUHOLA, City Clerk
City of La Quinta, California